

1 BOIES SCHILLER FLEXNER LLP  
2 RICHARD J. POCKER, ESQ.  
3 Nevada Bar No. 3568  
300 South Fourth Street, Suite 800  
3 Las Vegas, Nevada 89101  
4 Telephone (702) 382-7300

5 Attorney for Defendant  
6 YIU SING LEUNG

7  
8 UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF NEVADA

10  
11 UNITED STATES OF AMERICA, )  
12 Plaintiff, ) Case No.: 2:20-cr-00301-RFB-BNW  
13 v. )  
14 YIU SING LEUNG, ) STIPULATION TO CONTINUE  
15 Defendant. ) SENTENCING HEARING  
16 ) (Seventh Request)  
17 \_\_\_\_\_)

18 IT IS HEREBY STIPULATED AND AGREED by and between Jason Frierson, Esq.  
19 United States Attorney, and Jacob Operalski, Esq., Assistant United States Attorney, counsel  
20 for the UNITED STATES OF AMERICA (hereinafter, "the Government"), and Richard J.  
21 Pocker, Esq. of the law firm of Boies Schiller Flexner LLP, counsel for Defendant YIU SING  
22 LEUNG, that the sentencing hearing in the above-captioned matter, currently scheduled for  
23 November 17, 2022 at the hour of 8:15 a.m., be vacated and continued for at least sixty (60)  
24 days.

25 This Stipulation is entered for the following reasons:

26 1. Defendant LEUNG entered his plea of guilty to Count I of the Indictment in the  
27 present case on May 4, 2021. Sentencing as to Defendant LEUNG is presently scheduled for  
28 November 17, 2022 at the hour of 8:15 a.m. The Presentence Investigation Report was

1 completed and served by U.S. Probation Officer Leo Sanchez on June 25, 2021. That Report  
2 has not been subsequently modified.

3       2. Defendant LEUNG and his counsel require additional time to prepare for the  
4 sentencing hearing, including time to evaluate and address the contents of the Presentence  
5 Investigation Report, complete arrangements for the presentation of evidence and testimony in  
6 extenuation and mitigation, have discussions with the Government regarding the appropriate  
7 sentencing calculations, and to prepare an effective Sentencing Memorandum to assist the  
8 Court in determining the best sentence for Defendant LEUNG. Both of Defendant LEUNG's  
9 co-defendants who were expected to stand trial beginning September 12, 2022, have now  
10 entered pleas of guilty. The resolution of the co-defendants' cases alters the considerations  
11 which will be central to Defendant LEUNG's sentencing, and preparation for that hearing will  
12 require a different focus. A sixty day postponement of the sentencing hearing will facilitate  
13 Defendant LEUNG's preparation for that hearing, and the Government does not object to  
14 Defendant LEUNG's request, as it is willing to have further discussions with defense counsel  
15 regarding "safety valve" considerations.

16       3. In addition to the foregoing considerations, undersigned counsel for Defendant  
17 LEUNG served as lead trial counsel for the Respondents in China Yida Holding Company v.  
18 Pope Investments, LLC, Case Number A-16-746732-P, which was tried in the Eighth Judicial  
19 District Court between September 26 and October 10, 2022. The trial had a significant impact  
20 on counsel's availability to attend to matters in other cases, including the present case. He is  
21 also set to commence trial on November 28, 2022 in the matter of Rimini Street, Inc. v. Oracle  
22 International Corporation, Case Number 2:14-cv-01699-MMD-DJA currently pending before  
23 the Honorable Miranda M. Du, necessitating a lengthier postponement of the November 17,  
24 2022 sentencing hearing than might otherwise be necessary. Undersigned counsel for the  
25 Government is also scheduled to be in a moderately lengthy jury trial beginning October 31,  
26 2022, effecting his ability to address the outstanding issues relevant to Defendant LEUNG's  
27 sentencing.  
28

1           4. Defendant LEUNG is presently free on pretrial release pending his sentencing,  
2 and does not object to the requested continuance. He is determined to ensure that the Court has  
3 all relevant and available information or advocacy on his behalf before the sentencing. Denial  
4 of this request would be a miscarriage of justice given Defendant LEUNG's right to adequately  
5 prepare for his sentencing hearing.

6           5. This is the seventh request to continue Defendant LEUNG's sentencing hearing.

7           DATED this 24<sup>th</sup> day of October, 2022.

8 BOIES SCHILLER FLEXNER LLP

9

10 By: s/ Richard J. Pocker

11 RICHARD J. POCKER, ESQ.  
Counsel for Yiu Sing Leung

JASON FRIERSON

United States Attorney

By: s/ Jacob Operskalski

JACOB OPERSKALSKI  
Assistant United States Attorney

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, )  
                                )  
                                Plaintiff,         ) Case No.: 2:20-cr-00301-RFB-BNW  
                                )  
v.                              )  
                                YIU SING LEUNG,     )  
                                )  
                                Defendant.         )  
-----)

**ORDER**

Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS  
HEREBY ORDERED**, that the sentencing hearing in the above-captioned matter, currently  
scheduled for November 17, 2022, at the hour of 8:15 a.m., be vacated and continued to  
January 26, 2023 at 11:00 AM in LV Courtroom 7C.



---

RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE

DATE: October 25, 2022.